

OFFICER: Lee Walton (01935) 462324

APPL.NO: 07/05685/FUL APPLICATION TYPE: Full Application

PARISH: Somerton WARD: WESSEX

DESCRIPTION: The erection of 13 houses and garages together with access road and parking area (GR 348447/128762)

LOCATION: Former Highways Depot, Etsome Terrace, Somerton, Somerset TA11 6LY

APPLICANT: Mr Chris Edgar

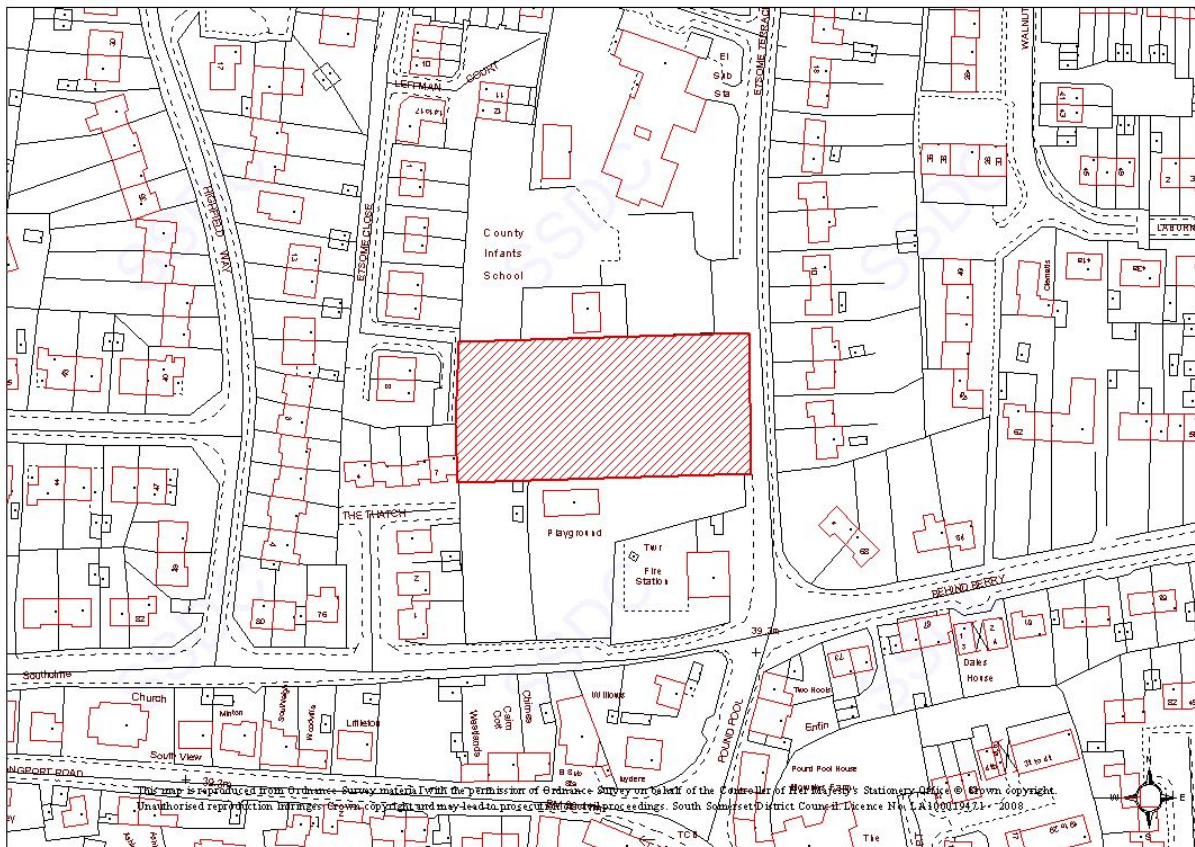
AGENT: Ian Collier DSP, Collier Reading, 66 High Street, Glastonbury, Somerset BA6 9DZ

DATE ACCEPTED: 4 January 2008

Reason for Referral

The application has been called before the Committee at the request of the Ward Members to allow the Committee to consider the issue of the required contribution.

Site Description and Proposal



The site forms part of the development area and was formerly a Highways Depot being divided to create a recreational area between the site and the fire station. The primary school lies to the northern boundary of the site with a mix of residential dwelling types to the east and west sides of the site. A road separates the site from the aforementioned housing to the site's eastern boundary.

The proposal seeks the erection of 13 (no) houses and garages together with access road and parking area. This latter element is provided for use by the school to be of help during school drop off and pick up times. Part of the scheme involves the positioning of gates at the

entrance of the site, which also feeds the recreation area's car park, as well as the school parking area referred to above.

Planning History

07/03029/FUL - Revision to 06/01898/FUL (approved) for the erection of a two storey medical centre and dental surgery. The scheme includes 48 car parking spaces (including 3 disabled) and soft landscaping. Demolition of remains of existing building on corner of the site. Withdrawn.

01/01372 - Residential development and relocation of playground (34 dwellings). Withdrawn. Prior to 1987, applications refer to the use of the site related to a Highways Depot.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant development plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents:

Regional Spatial Strategy

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR5 - Development Inside

49 - Transport

South Somerset Local Plan 2006

ST5 - Principle of Development

ST6 - Quality of Development

CR2 - Leisure

ST10 - Obligations

Consultations and Representations

Town Council – See comments under ‘in support of the application’.

County Highway Authority - As I am sure you are aware there has been considerable history of applications on this site. The previous application at the site (application No. 07/03029/FUL) was for the erection of a medical centre.

In that application the Highway Authority raised no objection to the proposal but required an improvement to the local pedestrian infrastructure in terms of a zebra crossing along Behind Berry and a drop kerb tactile crossing facility along Etsome Terrace.

This current proposal is for thirteen dwellings and as such it is felt that it is reasonable to seek a pro rata contribution towards the aforementioned highway improvements.

The parking facilities provided to serve the residential element are sufficient and the parking allocated for the school drop off, will help prevent parking on the public highway during the school drop off and pick up times, which would be seen as beneficial to the Highway Authority.

Having spoken to our Estate Roads Team there are concerns relating to the presence of the gates and the lack of a turning head on the road leading to the school drop off area. The Highway Authority would wish to see the gates removed and a turning head provided.

As a result, I would advise you that from a highway point of view there is no objection to the proposal. However, in the event of permission being granted I would recommend that the following conditions be imposed:

1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. The area allocated for parking for vehicles in connection with the school on the submitted plan shall be kept clear of obstruction and not be used other than for the parking of vehicles in connection with the school.
4. Before the development hereby permitted is first occupied a contribution of the order of £30000 shall have been secured by way of a suitable legal agreement towards the improvements to pedestrian facilities in the area (exact details to be agreed at a later point, but likely to include provision of a zebra crossing along Behind Berry).
5. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.
6. Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

SSDC Technical Services - Surface water drainage details to be submitted, surface water run off to be controlled using SUDS techniques in accordance with PPS25.

Environmental Protection - Contamination condition proposed.

Economic Development - The former Highways depot at Etsome has been owned for a considerable time by Somerton Town Council. Negotiations to develop a health centre and surgeries on this site have unfortunately fallen through. This would have been an ideal use of employment land for continued employment use. As this idea is unable to progress, alternative uses of the land for commercial use are very restricted. There would probably be concerns on future commercial applications on noise, access, operating hours etc. The proximity of the site to a school would raise a number of access and safety concerns.

On balance, the removal of this site from commercial use raises no concerns from an economic perspective.

Leisure and Recreation - (From the Senior Play and Youth Facilities Officer). The SSDC Local Plan policy CR2 currently supports the requirement for outdoor playing space of

between 2.4 - 2.8 hectares per 1,000 population. There are 13 dwellings proposed on this development. Based on the average population of 2.32 people per dwelling the apparent 13 dwellings that are applicable to policy CR2 would result in an expected population of 30 people.

This would consequently generate the need for between 0.0724 and 0.0844 hectares of outdoor playing space provision from this development. Policy CR2 sets out how this space should be divided into different uses and I have set out the results of this below.

| | Minimum Provision In Hectares | Maximum Provision In Hectares |
|--|----------------------------------|----------------------------------|
| Youth & Adult Use | 0.0543 | 0.0603 |
| A. Minimum playing pitch element of youth and adult use | 0.0423 | |
| Young People & Childrens Use | 0.0181 | 0.0241 |
| A. Outdoor Equipped Playgrounds | 0.0060 | 0.0090 |
| B. Casual or Informal Play Space | 0.0121 | 0.0151 |
| Total Area in Hectares Required | 0.0724 | 0.0844 |

Outdoor Equipped Playground Requirements:

The proposed development adjoins the Etsome Terrace Play Area which has recently been refurbished and new play equipment installed. The play area is managed by Somerton Town Council and having discussed the proposals with the Town Clerk we both feel the newly refurbished play area can accommodate the increased demands that would be generated by the proposed development. The proposed car parking on the access road will also improve the accessibility of the play area and be an added improvement resulting from the development.

Youth Facility Requirements:

Extensive youth facility provision is provided at the Gassons Lane Recreation Ground in Somerton and it is my view that this provision can accommodate the increased demand that would be generated by this proposed development.

(From the Senior Leisure Facilities Officer). The SSDC Local Plan policy CR2 currently supports the requirement for outdoor playing space of between 2.4 - 2.8 hectares per 1000 population. There are 13 dwellings proposed on this development. Based on the average population of 2.32 people per dwelling the apparent 13 dwellings that are applicable to policy CR2 would result in an expected population of 30 people.

Playing Pitch Requirements:

I am satisfied that existing playing pitch provision at Gassons Lane Recreation Ground can accommodate the needs stemming from this development.

Strategic Sports Facility Requirements:

South Somerset District Council Local Plan Policy ST10 supports the Local Planning Authority in seeking obligations to secure or contribute to the provision of community facilities to meet the demands directly stemming from a new development.

Sport England has developed a Sports Facility Calculator (SFC) to help estimate the amount of key community sports facilities required to meet the needs of the local population in a new development.

It used information on facility participation and applies these to the actual population profile of the local area. This ensures that the calculation is sensitive to the needs of the people who actually live there.

The SFC then turns this estimation of demand into actual facilities. For swimming pools it uses square metres of water, lanes and 25m x four lanes pools. For halls, it uses the number of badminton courts and four court halls.

It's important to remember that the SFC looks at demand for facilities and does not take into account any existing shortage of facilities.

The SFC gives a target total for the number of facilities that are needed to meet a population's sports facility needs. This is based on the local population, national participation rates and the national average for facility usage.

The SFC helps with the demand side of the facility provision equation.

Based on the SFC, the following off-site needs have been calculated:

| | |
|--|--------|
| Swimming Pools | £3,284 |
| Sports Halls | £6,230 |
| Total Off-Site Contribution to Strategic Facilities requested: | £9,514 |

The South Somerset Built Facility Strategy supports the need for pool/hall enhancement in this area of the district.

23 neighbour notifications were issued. A site notice (Major) was posted and an advertisement published. There has been 1 response. This considers traffic, the presence of the school, fire station and access and unnecessary danger arising from the development.

In support of the application:

A letter was received from the Town Council outlining their concerns:

I would refer to our conversation earlier in the week, in the Town Council office in Somerton, with District Cllr Tony Canvin, and his subsequent discussion with yourself and David Norris regarding the above application and with particular regard to the letter dated 14th February 2008 from SCC Highways and comments arising from internal consultations reference possible play area/sporting/community facility contributions from the developer.

The first point to be made, relates to the sale of the land for development. The site was purchased by the Town Council, from the County Council, in 2003, with a covenant held by SCC regarding the possible sale of up to 50% of the site, provided the proceeds were used for agreed 'community projects'. All of the sale proceeds relating to this planning application will be reinvested in projects for the town. It should be noted that the developer is not purchasing all of the land, the access roads and parking/drop-off area for the school being retained by the Town Council.

Dealing with the letter from SCC first:-

1. The SCC letter refers to the benefit of having parking provided in a 'drop-off area' for use by parents taking children to the adjacent Infants School. This facility is being provided on part of the Town Council retained land, but at the expense of the developer, who will be

constructing the whole of the drop-off area at his expense. This is clearly a 'highways gain', paid for by the developer.

2. The access roads for the development similarly do not belong to the developer, the land being retained by the Town Council, as part of the managed access regime for the adjacent play area and Memorial Garden site, the gated entrance being an integral part of this security system. Without the gates the whole approach to the play area and Memorial Garden security will need to be reviewed, for at present there is only a low fence between the access road and the site. While the fencing provides an open aspect to the area, should the access road not be secured overnight a more intrusive form of fencing will need to be erected around the play area boundary. Equally the gates will provide security from unwelcome visitors seeking to use the two parking areas (one for the play area, the other for the drop-off point) as either meeting points, or race tracks at night.

3. It is not considered necessary for a 'turning head' to be provided at the junction of the roadway and the drop-off point area. The entrance itself provides an additional area for turning, and the drop-off area is effectively a car park, which would not normally require any special provision for turning, other than the space between the rows of parked vehicles.

4. The access roads for the development will all be constructed to adoption standards by the developer, but will remain in Town Council control, not being adopted by the Highway Authority.

5. In conclusion the works already being undertaken by the developer (which are acknowledged by SCC as being beneficial), are at a level that more than equates to any possible contribution towards a pedestrian crossing on Behind Berry, which was in SCC approved budgets for a number of years and should have been provided at public expense some years ago.

Play Area / Sporting Facilities & Community Facility Contributions:

1. Play Area Provision: It can clearly be seen that the site is directly opposite a brand new play area, provided through a jointly financed project by SSDC and the Town Council. The developer recently contributed (free of charge to the Town Council) an item of play equipment (a Hags Play Multi-Unit), which has now been installed at the Gassons Lane Play Area, valued at many thousands of pounds. This play unit has a value much greater (both in financial and play terms) than any contribution that might have been required in terms of play provision resulting from the development of 13 houses.

The developer is also installing (at his own expense) a second set of gates, at the entrance to the parking area for the play area, which will allow a degree of flexibility for the Town Council should any maintenance work be required on the Play Area or the Garden Area, as well as further enhancing the appearance of the site as a whole.

2. Sporting & Community Facilities: As stated earlier all of the proceeds of the sale of land to the developer have to be reinvested in community projects for the benefit of the town. Should a direct financial contribution be required by SSDC, as part of the planning process, this would almost certainly result in an equivalent reduction in the 'offer price' for the land, so that there would not be any net gain to the community.

I trust that the above explanation assists with your consideration of this application, bearing in mind the unique nature of the development and the link between the developer and the Town Council as the present/future landowner.

To conclude: Edgar Builders have already supplied (free of charge to the Town Council) items of play equipment. The main item has been installed at the Gassons Lane site, valued at £15,000. The play item, produced (and installed) by Messrs Hags Play Ltd is a 'Strasland Multi-Unit'.

Planning Considerations

The location is part of the development area. Economic Development raise no objections over the loss of the site while there exists an extant planning permission for development of the site as a medical centre.

The proposal is for 13 dwellings. The site forms a parcel of land set between other residential development presenting a mix of types of different build dates. The size of the site permits its development as proposed adding another layer to the settlement's development history. The site lies due south of the primary school and immediately north of the open recreational ground with houses overlooking this area as well as turning to front onto the highway that delimits the site's eastern boundary. Towards the rear of the site on the site's western boundary a third row of properties front the access road to the parking area provided for school drop off. The proposed design reflects two and three storey properties that make use of roof space and provides accommodation over garaging set between dwelling houses.

The site's entrance gate serves the recreational ground and its parking area and as such is not considered unique in terms of serving the residential properties alone with perhaps more emphasis on securing the public elements of the site including the school drop off area. Highways have referred to a contribution towards pedestrian facilities, the site lies across the busy Behind Berry road and residents would need to cross this when accessing the town's centre. However, Highways also refers to the 'gain' presented by the school drop off facilities and it is considered that this balances out the need for additional contributions.

In terms of residential amenity the site lies within the development area and distances greater than 20 metres where elevations oppose one another appear to exist throughout the site related to adjacent existing dwellings.

Leisure and Recreation officers have requested a financial contribution towards off-site facilities. They raise the need to be consistent and follow policy, mindful of the Town Council's background information to the application. They also stress that to adopt a different approach at this stage would set a dangerous precedent and go on to say that if the Council chooses not to seek contributions in this instance despite the PPG17 report recommending investment in such facilities reference should be made to the Planning Gains sub-committee. Planning Officers bear in mind that the sale of the land is bound by an agreement with SCC about the community benefit being tied in, as the land originally belonged to SCC, who sold at less than best value.

The Town Council's submission is given in full above under the sub-heading 'In support of the application'. They observe that the play area opposite the site is brand new and was a jointly financed project by SSDC and the Town Council. The development recently contributed (free of charge to the Town Council) an item of play equipment installed at the Gassons Lane Play Area. The Town Council also point out that the sale of the land to the developer has to be reinvested in community projects for the benefit of the town. Should a direct financial contribution be required by SSDC, as part of the planning process, this would result in an equivalent reduction in the 'offer price' for the land, so that there would not be any net gain to the community.

There is an officer obligation to request financial contributions in accord with council policy and the leisure contribution remains central to consideration of this item, with officers unable to come to a delegated decision. Members may wish to consider the uniqueness or otherwise of the case put.

Environmental Impact

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Recommendation:

APPROVE

JUSTIFICATION

The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential amenity or to the character of the area, providing improvement to school drop off and highways safety in accordance with the aims and objectives of policies ST5 and ST6 of the South Somerset Local Plan (2006) and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000.

Conditions:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

03. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

04. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge

over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

05. Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the buildings without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

08. Before the development hereby permitted is commenced details of the material and external finish to be used for all windows, doors, boarding and openings shall be approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

09. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

10. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

11. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

12. No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed slab levels, in the interests of visual amenity, further to policies ST5 and ST6 of the South Somerset Local Plan 2006.

13. Before commencement of any development work, other than investigative work, in connection with the use hereby permitted the nature, degree and extent of actual or potential land contamination at the site shall be investigated to the satisfaction of the local planning authority department (LPA). Such investigation shall include as a minimum the preparation of a Phase 1 (desk study) contamination report. If actual or potentially significant risks are identified then further investigations shall be undertaken. Such investigation shall include intrusive site investigation and the completion of a Phase 2 interpretative land contamination report. Investigation reports shall be submitted to the LPA for approval. If any unacceptable risks are highlighted, a detailed remediation strategy shall be submitted to the LPA. The remediation strategy shall be approved by the LPA prior to the commencement of any development work. Remediation works shall be fully implemented and completed before any building hereby permitted is first occupied. All investigations, risk assessments and remediation shall be carried out in compliance with recognised guidance, methodology and protocols.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed. To ensure that development is 'suitable for use' and that identified contamination will not present any significant environmental risks to the identified receptors.

14. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure adequate drainage arrangements are in place to accord with policy ST6 of the South Somerset Local Plan 2006.

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order, 1995 (or any order revoking and re-enacting that Order) the garages shown on the approved drawing shall be used solely for the parking of vehicles and for no other purpose incidental to the enjoyment of the dwelling, including conversion to habitable rooms.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

16. A landscaping and tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is begun. The scheme shall indicate the species and size of trees and/or shrubs and the position in which they will be planted. The scheme shall be carried out and completed during the planting season next following the substantial completion of the development hereby approved or during such later planting seasons as may be specified in writing by the Local Planning Authority. Any tree or shrub damaged or becoming seriously diseased within five years from the date on which the scheme shall have been completed shall be replaced with the same or similar species of tree or shrub. For the purpose of this condition the expression 'planting' shall mean the period between the 15th September and 15th March.

Reason: In the interests of the appearance and character of the area in accordance with policy ST6 of the South Somerset Local Plan 2000.

17. Details of the size, position and materials of any meter boxes, extraction outlets for flues and satellite dishes where installed on any public elevation in connection with the development shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

18. Prior to commencement of the development hereby permitted the times during which the gates to the site (including the recreation area's car park and the school's drop of area) shall be positioned in the closed position shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual appearance in accordance with policy ST6 of the South Somerset Local Plan 2006.

19. No development shall begin on site unless details of a scheme to facilitate the provision/enhancement of strategic community facilities to meet the needs of the development in accordance with structure and local plan policies has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision of community and recreational facilities in accordance with policies CR2 and CR3 of the South Somerset Local Plan 2006.
